

REMARKS/ARGUMENTS

Claims 1-20 and 26-41 are pending. Claim 42 has been added. Claims 1, 5-11, 13, 18-21, 26-28, 31-33, 35, 36, and 38 are currently amended.

§ 102 Rejections

The Examiner rejected Claims 1-20 and 26-41 under 35 USC §102(b) as being anticipated by Keim (US Patent No. 4,361,651). The Examiner indicated that "Keim teaches processes for wet-mill streams in order to separate protein therefrom. See abstract and examples. The claims are identical to the cited disclosure and, are therefore, considered to be anticipated by the teachings therein."

Applicants' respectfully disagree with the Examiner's characterization of Keim for the following reasons:

Keim is directed to a wet milling process for making a fermentable sugar solution, wherein yeast is added to the sugar solution to ferment the sugars thereby producing alcohol (column 9, lines 44-68; and column 10, lines 1-5). Keim does not disclose Applicants' current invention, which is directed to processes for making a protein concentrate from grain. Applicants have attempted to highlight this difference by amending independent claims 1 and 20.

Keim's process uses acids or enzymes to liquefy and saccharify degermed grain in order to convert starch to fermentable sugars (column 6, lines 22-69; column 7, lines 1-38). This is in contrast to Applicants' current claims where enzymes are used, after the fiber has been removed from the degermed grain and after the majority of the starch has been mechanically or physically separated from the protein, to liquefy and/or saccharify any remaining starch in the protein-containing material. In other words, the germ and fiber have been removed as is the majority of the starch prior to the enzymatic hydrolysis of the protein-containing material in Applicants' claims.

Because Keim is interested in hydrolyzing the starches in the grain to produce sugars, Keim does not disclose a first mechanical or physical separation of the starch from the protein and then an enzymatic hydrolysis of the protein-containing material to remove any remaining starch. The claimed process, on the other hand, is directed toward making a protein concentrate from which almost all of the starch has been removed. Since Keim does not teach each and every step of the claimed process, Keim does not anticipate the pending claims.

In summary, Keim does not teach or suggest processes for making a protein concentrate as recited in Applicants' currently amended claims. Therefore, the rejection of the Claims under 35 USC § 102(b) as being anticipated by Keim, has been overcome and should be withdrawn.

In view of the above arguments, it is respectfully submitted that Claims 1-20 and 26-41 and newly added Claim 42 are in condition for allowance. The Applicants respectfully request reconsideration and allowance of the pending and newly added claims.

The Examiner is invited to telephone the undersigned if such would advance the prosecution of the Application.

Respectfully submitted,

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